Crl.Misc.No.71930-M of 2006

...

Amesh Nagpal Vs. Raman Kumar

...

Present : Mr.Vikas Sagar, Advocate for the petitioner.

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Prayer in this petition is, for setting aside the order dated 28.8.2006, passed by the Judicial Magistrate, Ist Class, Ludhiana, dismissing an application, filed by the petitioner, for recalling of the complainant, for further cross-examination. The petitioner, sought recall of the complainant, on the ground that the complainant was required to be confronted with certain evidence that he was running a Chit Fund Scheme and the cheques had been issued in respect thereof. The learned trial Court, declined to re-summon the complainant, on the ground that this was not a part of the petitioner's defence in his statement under Section 313 Cr.P.C. The impugned order does not suffer from any illegality or error of jurisdiction that would require interference by this Court. Dismissed. However, any observations made by the trial Court, with respect to the merits of the controversy, shall not cause prejudice to the petitioners, in any manner, whatsoever.

17.11.2006 (RAJIVE BHALLA)
GS JUDGE